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SUBJECT: CITIZEN PARTICIPATION/SOCIAL CONTROL COUNCIL AN
AMBITIOUS UNDERTAKING

REF: QUITO 437

¶1. (C) Summary and Comment: The Ambassador had a friendly June 10 meeting with the Citizen Participation and Social Control Council, part of a new branch of government. The Council explained its role in promoting citizen participation, investigating corruption complaints, and appointing other government authorities. It remains to be seen whether the Council will have sufficient expertise and resources to carry out its broad responsibilities and how much independence it will exercise vis-a-vis the Executive branch. End Summary and Comment.

¶2. (C) Citizen Participation and Social Control Council president Julian Guaman greeted the Ambassador in the name of the people of Ecuador, first in Kichwa and then in Spanish, and expressed appreciation for her interest in the Council. The Council is part of a new "Transparency and Social Control" branch of government created under the October 2008 constitution. In addition to Guaman, five Council members attended the meeting: vice president Monica Banegas, Pablo Cornejo, Oswaldo Ruiz, Roxana Silva, and Carlos Vera. The only Council member absent was Betsy Salazar, who reportedly holds anti-American views.

¶3. (SBU) The seven Council members were selected in a merit-based competition administered by the Legislative Commission, as provided for in the transitory provisions of the 2008 constitution. The competition process took place in December 2008 through January 2009, and a number of the candidates disputed the results as unfairly scoring their qualifications. The Legislative Commission then reconsidered each candidate and revised the results. The current Council members are serving on an interim basis. The new, more permanent Council will be selected through a merit-based competition later this year, which will be organized by the National Electoral Council.

LINKING CITIZENS WITH GOVERNMENT ENTITIES

¶4. (SBU) Guaman explained that the Council was in charge of guaranteeing the participation of citizens in government decision-making and promoting accountability. He described the Council as a bridge between the "pueblos" (peoples) and state entities. Guaman made clear that the Council was not supposed to replace other forms of citizen participation, but rather encourage them. He described how the Council had collected input from 8,000 citizens throughout the country on the organic (fundamental) law to govern the Council's future activities, and on May 20 presented its draft of that law to the Legislative Commission for consideration. When the Ambassador asked if such a Council existed in other countries, Silva said they had investigated this but had not found a comparable institution elsewhere in Latin America.

15. (SBU) Cornejo proudly highlighted the advances in the new constitution on citizen participation. He stressed that citizens had the right to revoke the mandate of elected officials if they did not deliver. Cornejo pointed out that the new constitution allowed citizens to present proposed laws with signatures of a smaller percentage of voters, and set time limits for the National Assembly or local legislatures to consider them. If not acted upon during a specified time, the proposed laws would become effective by default.

16. (SBU) Ruiz explained that local citizen participation mechanisms would be determined by the new law on decentralization, and that the Council's role would be to monitor the enforcement of those mechanisms. Banegas pointed out that the Council would also monitor the use of the "empty chair" provision of the constitution, which provides for participation of a private citizen in government decision-making bodies. She noted that the Council would need to ensure that the selection of the private citizen did not result in the same citizen always participating, but instead someone expert on the specific topic at hand. Banegas mentioned that the Council would also be in charge of overseeing the referenda on whether provinces form autonomous regions.

17. (SBU) Guaman and Banegas saw the timeframe for the process of putting citizen participation mechanisms into effect as a long one (six to ten years). However, Vera said it would be done in one or two years.

CONTRAST WITH U.S. CITIZEN PARTICIPATION

18. (SBU) The Ambassador noted that Americans generally expressed their demands through their representatives in Congress. Most Council members acknowledged that Ecuadorian citizens had limited contact with the legislators representing them. Vera disputed this, emphasizing that the citizens had access to the legislators' blogs and that many citizens provided input through the internet. He cited as an example that citizens had (allegedly) complained about the television channel TeleAmazonas, which as a result was being sanctioned by the regulatory body, the National Council for Radio and Television (reftel). He claimed that all citizens could access the internet through internet cafes throughout the country.

19. (SBU) When the Ambassador suggested that Ecuadorian citizens might not fully understand the Council's role, Guaman and Banegas acknowledged that this was a challenge for the Council. Vera disagreed. He claimed that the Ecuadorian people had all read or at least looked at the new constitution and were now practicing direct democracy via the internet. He considered this superior to working through representatives, like Americans going to their Members of Congress.

110. (SBU) The Ambassador sought clarification on whether the Council was the fourth or fifth branch of government. Silva responded that the Council was only part of the new branch of government, together with the Comptroller General, Ombudsman, and several regulatory bodies. She explained that, although this state function was the newest given that the other four already existed under the 1998 constitution, it should be called the fourth function following the order of the articles in the constitution.

COUNCIL ROLE ON GOVERNMENT APPOINTMENTS, ANTI-CORRUPTION

111. (SBU) Guaman said the Council's biggest task right now was to form the citizens commissions that would appoint personnel to various government positions. He said these commissions would appoint approximately 16 different government authorities according to the constitution, and also name the head of the bank for those who are affiliated with the Social Security system. Silva explained that the citizens commissions would include private citizens in their personal capacity, private citizens representing NGOs, and

one person selected by each branch of government. She said the citizens serving on the commissions would receive a stipend for doing so. Guaman stressed his view that this process would not be politicized as it was in the past when political parties were involved.

¶12. (SBU) Cornejo explained that the Council would investigate citizens' complaints about corruption, or the failure of government entities to allow citizen participation. Council members stressed that unlike the Prosecutor General's office or the former Anti-Corruption Commission, the Council would have unlimited time to carry out these investigations, which they considered an advantage, and would have greater autonomy.

¶13. (SBU) The Ambassador commented on the enormous task the Council had and asked whether its budget and personnel were sufficient. Council members said they proposed in the draft organic law for the Council that it receive government resources from the sale of seized assets in corruption cases. For now the Council receives direct government funding. No one on the Council suggested that resources and personnel might be insufficient, nor did they ask for Embassy support.

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